THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24514 OF 2006

Date: 24-11-2006

Between:
Satti Naga Sudha, w/o Sathyanarayana Reddy,
Aged 24 years, D.No.25-5-54 & 25-5-55,
Medaline, Kutcheripeta, R.R.Road, Kakinada,
East Godavari District.

... Petitioner.

And

1. The Municipal Corporation of Kakinada,
   rep. by its Commissioner, Kakinada
   and another.

... Respondents.

* * *

ORDER:

The writ petition is filed for a writ of Mandamus declaring impugned action of the respondents in widening the roads by demolishing the buildings bearing D.Nos.25-5-54 and 25-5-55, Medaline Kutcheripeta, R.R.Road, Kakinada, East Godavari District, of the petitioner without any notification, without payment of any compensation and without initiating any action under the provisions of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955, or under the provisions of the Land Acquisition Act or by private negotiations, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to demolish the buildings of the petitioners for the

purpose of the road widening without following due process of law.

2. Several factual details are narrated in paras 2 to 9 of the affidavit filed in support of the writ petition. The decisions in **T.S.Devakaranamma V. State of A.P. and others**[1];**Ushodaya Publications, Hyderabad V. Commissioner, MCH, Hyderabad**[2]; **P.Lakshmana Rao V. Executive Officer**[3]; **M.Madhavi Latha V. Rajendra Nagar Municipality**[4] and **Rohra V. Commissioner, Municipal Corporation of Hyderabad**[5] also had been referred to.

3. In the light of the facts and circumstances well narrated in the affidavit filed in support of the writ petition, this Court is of the considered opinion that the writ petition be disposed of directing the respondents 1 and 2 not to resort to further demolition activity unless and until due process of law is followed.

4. With the above direction, the writ petition is disposed of. No order as to costs.

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24-11-2006

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OPERATIVE PORTION OF THE ORDER:

The writ petition is disposed of directing the respondents not to resort to further demolition activity unless and until due process of law is followed.

With the above direction, the writ petition is disposed of. No order as to costs.

(Detailed order follows….)

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24-11-2006

Note:

1. Issue order copy by wire at party's costs.

2. Please send this bundle to the Court Masters' Section after dispatch of the wire order.

//B.O.//

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[1] 2003 ALD 407

[2] 2001(3) ALD 173 (DB)

[3] 2000(5) ALT 246 (DB)

[4] 2001(2) ALT 482

[5] 2002(2) ALD 268